



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,359	04/13/2005	Kim Hansen	US020624 US	6512

28159 7590 09/26/2008

PHILIPS MEDICAL SYSTEMS  
PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3003  
22100 BOTHELL EVERETT HIGHWAY  
BOTHELL, WA 98041-3003

EXAMINER
----------

KAHELIN, MICHAEL WILLIAM

ART UNIT	PAPER NUMBER
----------	--------------

3762

MAIL DATE	DELIVERY MODE
-----------	---------------

09/26/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/531,359	<b>Applicant(s)</b> HANSEN ET AL.	
	<b>Examiner</b> MICHAEL KAHRELIN	<b>Art Unit</b> 3762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 13-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 13 and 20-26 rejected under 35 U.S.C. 102(b) as being anticipated by Freeman (WO 01/56652, hereinafter "Freeman"; provided by Applicant on 4/13/2005).

3. In regards to claim 13, Freeman discloses prompting an operator to conduct a pad placement action (Fig. 7B, element 122g), sensing that the operator has conducted the prompted action (122h), and receiving ECG signals from the patient (124).

4. In regards to claims 20-22, prompting the operator comprises prompting the operator to look at the pictures/icons on the pads (122g) and sensing comprises sensing that the pads have been placed on the subject by sensing an impedance signal (122h).

5. In regards to claim 23-25, a pad correction prompt comprising an instruction to place the pad in accordance with the pad placement picture is issued following the sensing, indicating erratic pad contact ("No" branch at 122h).

6. In regards to claim 26, the prompt is repeated until the prompted action has been conducted (loop initiated by the "No" branch of 122h).

***Claim Rejections - 35 USC § 103***

**7.** The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**8.** This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**9.** Claims 14, and 16-19 rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Freeman.

**10.** In regards to claims 14 and 16, Freeman discloses the essential features of the claimed invention including prompting the operator to remove a cover/liner from the pads (i.e., "the person's shirt or blouse"), and determination of an acceptable impedance inherently senses that the pads are being handled because an acceptable impedance will not be sensed before the pads are placed in the appropriate location on the patient. Alternatively, it is well known in the art to instruct users to remove covers/liners from defibrillation pads prior to use to provide the predictable result of

Art Unit: 3762

achieving suitable conductivity with the skin before defibrillation, and to provide defibrillators that sense that pads are being handled to provide the predictable results of automatically activating the defibrillator based on the user's manipulation of the pads.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Freeman's invention by instructing the user to remove the cover/liner from defibrillation pads prior to use to provide the predictable result of achieving suitable conductivity with the skin before defibrillation, and to provide a defibrillator that sense that pads are being handled to provide the predictable results of automatically activating the defibrillator based on the user's manipulation of the pads.

**11.** In regards to claims 17-19, sensing comprises sensing an impedance signal with the pads (122h).

**12.** Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman.

**13.** Freeman discloses the essential features of the claimed invention except for prompting the operator to pull a handle and remove a cover. It is well known in the art to instruct users to remove liners from defibrillation electrodes before use, and further known to provide liners that are removable by pulling a handle and removing a cover to provide the predictable results of allowing a user to quickly remove the liner in an emergency situation. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Freeman's invention by prompting the operator to pull a handle and remove a cover to provide the predictable results of allowing a user to quickly remove the liner in an emergency situation.

***Response to Arguments***

**14.** Applicant's arguments with respect to claims 13-26 have been considered but are moot in view of the new ground(s) of rejection, necessitated by amendment.

***Conclusion***

**15.** The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Covey et al. (US 7,069,074) provides a teaching of instructing a user to remove a cover from a pad by pulling a handle and removing a cover, and Olson (US 5,797,969) is one of many teachings of automatically sensing that pads are being handled.

**16.** Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 3762

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL KAHELIN whose telephone number is (571)272-8688. The examiner can normally be reached on M-F, 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on (571) 272-4955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George R Evanisko/  
Primary Examiner, Art Unit 3762

/Michael Kahelin/  
Examiner, Art Unit 3762